

ORIGINAL



0000021728

BEFORE THE ARIZONA CORPORATION CC

RECEIVED

30nd

**COMMISSIONERS**

2005 JUN 16 P 3:49

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

**DOCKETED**

JUN 16 2005

DOCKETED BY

IN THE MATTER OF THE FORMAL  
COMPLAINT OF ACCIPITER  
COMMUNICAITONS, INC. AGAINST  
VISTANCIA COMMUNICATIONS, LLC,  
SHEA SUNBELT PLEASANT POINT, LLC  
AND COX ARIZONA TELCOM, LLC.

DOCKET NO. T-03471A-05-0064

**Status Report on Settlement Negotiations**

In accordance with Administrative Law Judge Node's instructions at the June 9, 2005 procedural conference, the Staff, Accipiter Communications ("Accipiter"), Cox Arizona Telcom ("Cox"), Shea Homes and Vistancia Communications ( collectively "Vistancia") met for approximately two hours on Tuesday of this week to discuss Vistancia's letter to Commission counsel dated June 9, 2005 and whether resolution of the issues was likely. As further requested by Judge Nodes, Staff is filing this update on the negotiations on behalf of all of the participants.

Based upon the meeting on June 14, 2005, all of the participants believe that the discussion that occurred was productive and that further negotiations would be beneficial. Another meeting has been scheduled for June 21, 2005.

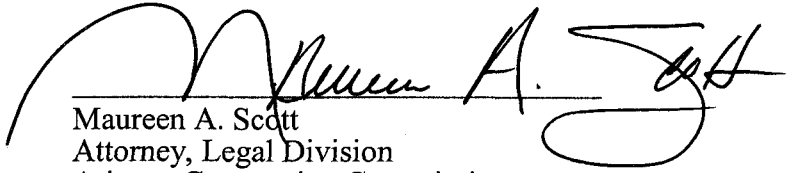
Vistancia also agreed at the June 14, 2005 meeting to docket a letter by Friday, June 17, 2005, responding to some of the questions raised by the Commissioners at the last procedural conference regarding its June 9, 2005 letter.

...

...

1 Staff believes that a resolution of the issues raised in this case could take  
2 approximately 30 days. During that time period, Staff believes that it may be appropriate to schedule  
3 periodic procedural conferences or request Staff to file periodic status reports until the matters in the  
4 docket are resolved or the participants believe that further negotiations would not be fruitful.

5 RESPECTFULLY submitted this 16<sup>th</sup> day of June, 2005.

6  
7   
8 Maureen A. Scott  
9 Attorney, Legal Division  
10 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

11 Original and thirteen (13) copies  
12 of the foregoing were filed this  
16th day of June, 2005 with:

13 Docket Control  
14 Arizona Corporation Commission  
1200 West Washington Street  
15 Phoenix, Arizona 85007

16 Copy of the foregoing mailed this  
16<sup>th</sup> day of June, 2005 to:

17 Martin A. Aronson, Esq.  
18 William A. Cleaveland, Esq.  
19 Morrill & Aronson  
One East Camelback Road, Suite 340  
20 Phoenix, AZ 85012-1648  
Counsel for Accipiter Communications, Inc.

21 Charles V. Gowder, President  
22 Accipiter Communications, Inc.  
2238 Lone Cactus Drive, Suite 100  
23 Phoenix, AZ 85027

24 Michael W. Patten, Esq.  
25 Roshka Heyman & DeWulf, P.L.C  
One Arizona Center  
26 400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004  
27 Counsel for Cox Arizona Telcom

28 ...

1 Michael M. Grant, Esq.  
2 Gallagher & Kennedyt, PA  
3 2575 E. Camelback Road  
4 Phoenix, AZ 85016-9225  
5 Attorneys for Shea and Vistancia Communications

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
